

Remarks/Arguments:

The pending claims are 20, 22-25, 27-33, 39, 41, 43-49, 54-57. Claim 54 has been amended. No new matter is introduced therein.

In order to expedite prosecution, claim 54 has been amended to recite, in part:

a plurality of hoops aligned along a common axis, each of said hoops being non-helical and oriented in a plane substantially perpendicular to the longitudinal axis of the stent

* * * * *

means for securing an apex of one hoop to an abutting juxtaposed apex of a neighboring hoop.

Claim 54 has been alternately rejected as anticipated by Cragg (U.S. Patent No. 5,405,377) and Fontaine (U.S. Patent No. 5,370,683) under 35 U.S.C. § 102(e) and as anticipated by Wolff (U.S. Patent No. 5,104,404) and Furui (JP 4-25755) under 35 U.S.C. § 102(b).

As indicated above, claim 54 has been amended to recite, in part, "each of said hoops being non-helical." In Cragg and in Fontaine, each of the hoops is not non-helical. Claim 54 has also been amended to recite "means for securing an apex of one hoop to an abutting juxtaposed apex of a neighboring hoop." In Wolff and Furui, there are no abutting apices.

Since claim 54 is not subject to rejection as anticipated by any of Cragg, Fontaine, Wolff, and Furui, Applicants respectfully request allowance of claim 54. For at least the same reasons, the claims that depend from claim 54 are also not anticipated.

Claim 56, rejected under § 112, first paragraph, recites, in part:

the vertices of each hoop pointed in the axial direction lie in a common plane perpendicular to the longitudinal axis of the tubular member.

Para. 6, p. 3 of the present Office Action states

Claims 56-57 recite "the vertices of each hoop pointed in the axial direction lie in a common plane perpendicular to the longitudinal axis of the tubular member" which is not disclosed in the specification. The specification only provides support for the phrase "substantially perpendicular." (emphasis in original)

Para. 2, p. 2 of the present Office Action also states that the specification

does not provide support for the limitation "the vertices of each hoop pointed in the axial direction lie in a common plane perpendicular to the longitudinal axis

of the tubular member." The specification only provides support for "substantially perpendicular." (emphasis in original)

In connection with this rejection of claim 56, it is respectfully submitted that Applicants' specification clearly supports an embodiment in which each hoop is perpendicular. For example, page 68, lines 7-8 (Abstract) refers to "an endoluminal stent having perpendicular hoop members." (emphasis added) Also, page 44, lines 19-23 describes axially aligned stent segments

each of the requests [sic] comprising one or more adjacent hoops, perpendicular to a common axis. . . . (emphasis added)

The specification therefore also has support for "perpendicular" without the term "substantially."

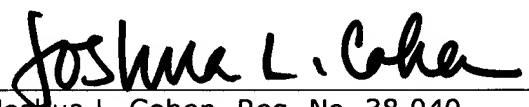
As indicated above, page 68, lines 7-8 refers to an embodiment of "an endoluminal stent having perpendicular hoop members." This phrase refers to "hoop members," rather than a single hoop member. Also, page 44, lines 19-23 describes an embodiment in which "each" of the stent segments comprises one or more adjacent hoops that are perpendicular to a common axis. Finally, figures of the application illustrate at least one embodiment in which all hoops are oriented in this manner. The application therefore has support for an embodiment in which "each" hoop has vertices that lie in a common plane perpendicular to the longitudinal axis.

In view of the foregoing, it is respectfully submitted that the rejection of claim 56 should be withdrawn and that claim 56 should be allowed. For at least these reasons, the claims that are dependent on claim 56 are also not anticipated.

Conclusion

It is respectfully submitted, in view of the amendments and remarks herein, that the claims are allowable over the references cited in the Office Action. Favorable reconsideration is respectfully requested.

Respectfully submitted,



Joshua L. Cohen, Reg. No. 38,040
Stanley Weinberg, Reg. No. 25,276
Attorneys for Applicants

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<input checked="" type="checkbox"/> P.O. Box 980 Valley Forge, PA 19482 (610) 407-0700
<input type="checkbox"/> P.O. Box 1596 Wilmington, DE 19899 (302) 778-2500

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